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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

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IN THE MATTER OF APPLICATION NO. 96-1

OLYMPIC PIPE LINE COMPANY

CROSS CASCADE PIPELINE PROJECT

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OPENING STATEMENT OF  
THE CITY OF NORTH BEND,  
THE CITY OF SNOQUALMIE,  
FRANKLIN COUNTY, AND  
CASCADE COLUMBIA ALLIANCE

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## **I. Introduction**

Franklin County, the City of North Bend, the City of Snoqualmie, and Cascade Columbia Alliance<sup>1</sup> recommend that the Energy Facility Site Evaluation Council (EFSEC) should recommend to the Governor that he deny the Site Certification application for the Cross Cascade Pipeline project for at least five reasons:

**I. Central and eastern Washington do not need this pipeline;**

**II. Construction and operation of the pipeline would have significant and irreparable adverse impacts to the environment;**

**III. Operation of this pipeline would be harmful to private property, the interests of local governments, businesses, jobs, the labor community, and farms in Washington State;**

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<sup>1</sup> Cascade is a state-wide organization whose members include over 400 property owners (along the route of Olympic=s proposed pipeline), the cities of Snoqualmie and North Bend (through which the proposed pipeline would cross), environmental organizations, community groups, labor unions, sport fishermen, and companies and individuals involved in barging petroleum products on the Columbia River.

1           **IV.   Alternative systems for transporting fuel to central and eastern Washington**  
2           **are in place, working well, involve no construction impacts, and pose less of a spill risk;**  
3           **and**

4           **V.   Olympic has not met its burden of submitting a complete application and**  
5           **has not met its burden of proof.**  
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## II. Creation of the Energy Facility Site Evaluation Council

In 1970, the Legislature of the State of Washington created the Thermal Power Plant Evaluation Council and gave it authority to site nuclear power plants. That statute was based upon the premise that there was a critical public need for electrical power facilities. It called for a balance of public need against any adverse impacts to the environment. RCW 80.50.010.

The goal was a one-stop permit process for these controversial projects.

A few years later, the United States was hit with the Arab oil embargo and its first real energy crisis. There was fear that much needed fossil fuels would run out. Long gas lines created a new sense of urgency. Driven by that era's crisis mentality, an omnibus energy bill was enacted. (Laws of 1975-76, Second Executive Sess., Ch. 108). The bill set up the State Energy Office and granted the Governor special emergency powers to declare a state of Aenergy supply alert.@ Part of the bill amended the Thermal Power Plant Evaluation Council statute, re-naming it the Energy Facilities Site Evaluation Council (EFSEC) and extending its jurisdiction to cover all large energy facilities, including pipelines.

The statute now states:

The Legislature finds that the present and predicted growth and energy demands in the State of Washington requires development of a procedure for the selection and utilization of sites for energy facilities and the identification of a state position with respect to each proposed site. The Legislature recognizes that the selection of sites will have a significant impact on the welfare of the population, the location and growth of industry, and the use of the natural resources of the state.

It is the policy of the State of Washington to recognize the

1 pressing need for increased energy facilities, and to ensure  
2 through available and reasonable methods, that the location and  
3 operation of such facilities will produce minimal adverse  
4 effects on the environment, ecology of the land and its wildlife,  
5 and the ecology of state waters and their aquatic life.

6 It is the intent to seek courses of action that will balance the  
7 increasing demands for energy facility location and operation  
8 in conjunction with the broad interests of the public. Such  
9 action will be based on these premises:

10 1. To assure Washington State citizens that, where  
11 applicable, operational safeguards are at least as stringent as the  
12 criteria established by the federal government and are  
13 technically sufficient for their welfare and protection.

14 2. To preserve and protect the quality of the environment;  
15 to enhance the public=s opportunity to enjoy the esthetic and  
16 recreational benefits of the air, water, and land resources; to  
17 promote air cleanliness; and to pursue beneficial changes in the  
18 environment.

19 3. To provide abundant energy at reasonable costs . . .

20 RCW 80.50.010.

21 In its Northern Tier pipeline decision in 1982, EFSEC construed this provision to  
22 evidence a legislative intent to balance the Ageneralized@ demand for energy with other  
23 public interest concerns:

24 It is apparent from the language of this provision that the  
25 Legislature intended the Council to consider the issue of  
26 demand for the facility not as an issue apart from substantive  
27 concerns, but only insofar as a balance need be struck between  
28 a project=s ability to satisfy the generalized demand for energy  
29 facilities on one hand and, on the other, public interest which  
30 might be affected by the proposal.

1 Northern Tier, Findings, Conclusion, and Order at 8 (emphasis added).

2 In its findings on Ademand@ in that decision, EFSEC focused specifically on whether  
3 there was general public demand or need for the facility. AWitnesses who testified did not  
4 establish a national need for the project.@ Id. at 10 (Finding No. 5). APrudhoe production  
5 not absorbed on the West Coast is moving readily to secondary markets by existing means.@  
6 Id. at 11 (Finding No. 7). ANo supply-induced shortages of petroleum in eastern Washington  
7 have been shown . . .@ Id. at 14 (Finding No. 19).

9 Perhaps most notably for present purposes, the Council found eastern Washington=s  
10 demand for fuel supplies was being met adequately by the existing system:

12 The challenge of providing geographically diverse communities  
13 in Eastern Washington with sufficient amounts of petroleum  
14 product has been met up to now by means including the  
15 Chevron pipeline from Salt Lake City delivering product to  
16 Pasco and Spokane; the Yellowstone pipeline from Billings,  
Montana, providing product to Spokane and Moses Lake;  
barges traveling the Columbia River to Pasco; and tank trains  
and trucks hauling product in from Western Washington.

17 Id. at 15 (Finding No. 20).

18 The testimony in this proceeding will demonstrate that the existing transportation  
19 systems continue to meet the Achallenge@ and that central and eastern Washington continues  
20 to have more than Asufficient amounts of petroleum product.@

22 In Northern Tier, EFSEC also recognized that while the Legislature found a need for  
23 energy generally, the Legislature has expressed no opinion on whether the demand for a  
24

1 particular facility is sufficient to outweigh the facility=s negative effects on the public interest:

2 Implicit in the charge by the Legislature to the Council to  
3 balance demand against the public interest, and the legislative  
4 grant of power to the Council to recommend a position of  
5 acceptance of rejection of an application, is the recognition that  
6 the demand for a particular facility, while it exists, may not be  
7 great enough to outweigh the facility=s net detrimental effects  
8 on the broad interests of the public.

9 Id. at 477 (Conclusion of Law No. 9).

10 The Council then went on to conclude that it was Anot possible . . . to determine that  
11 the projected benefits of the proposed [Northern Tier] facility will outweigh the projected risks  
12 to the environment, health, welfare, and safety of the people of this State.@ Id., at 478  
13 (Conclusion No. 10). The Council recommended denial of the project. Id. at 485.

14 The evidence in this case will demonstrate that even Olympic concedes there is no  
15 national demand for this facility; there is no regional demand for this facility; there is not even  
16 a demand for this facility in central and eastern Washington. The only Ademand@ that  
17 Olympic cites is the desire of Olympic=s partners and other refiners to increase their market  
18 shares in the fuel transportation sector and the retail sales sector. The private profit motives  
19 of these energy companies are irrelevant to EFSEC=s decision-making and, in any event, are  
20 far outweighed by the negative aspects of this project.<sup>2</sup>

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22 <sup>2</sup> Olympic Pipe Line Company is a consortium comprised of Arco, Texaco, and GATX  
23 (a petroleum terminaling and transportation company). Arco and Texaco own two of the four  
24 major refineries in northwest Washington. (Texaco and Shell have merged recently; the



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refinery now operates under the Equilon name). The two refiners who are partners in Olympic and the two other northwest refiners (Tosco and Tesoro) are the so-called Ashippers@ who Olympic asserts are Ademanding@ this new pipeline.

OPENING STATEMENT OF CITIES OF NORTH  
BEND AND SNOQUALMIE, FRANKLIN COUNTY,  
AND CASCADE COLUMBIA ALLIANCE - 7

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### III. Transportation of Fuel into Central and Eastern Washington Today

A lot has changed since 1976 and 1982, but one thing has not: there is still no need for another fuel route into central and eastern Washington.

What has changed is that the energy Acrisis@ as we knew it in the 1970s is over. Now, instead of fearing that fossil fuels may run out, we fear that if we do not drastically diminish our use of fuels, there will be detrimental and irreparable harm to the environment. Today, local, state, and federal representatives are putting their efforts into protection of salmon and finding alternative energy sources. The Acrisis@ of today is degradation of the environment and disappearing fish and wildlife.

Meanwhile, there is no shortage of fossil fuels. The cities in central and eastern Washington have the lowest gas prices in Washington State. The Tri-Cities and others in central and eastern Washington receive gasoline from four different sources: a petroleum pipeline from Montana (referred to as the AYellowstone@ pipeline); another petroleum pipeline from Utah (referred to as the AChevron@ pipeline); trucks; and barges that travel up the Columbia River. There is considerable existing infrastructure already in place to supply more than enough fuel to central and eastern Washington.

With its Cross Cascade Pipeline proposal, Olympic Pipe Line Company hopes to Agreatly reduce@ if not eliminate these existing transportation modes. Monopolization concerns (and attendant price increases) loom. Even Olympic, which asserts its pipeline might deliver fuel at a penny or two per gallon savings,<sup>3</sup> does not promise that any cost savings will

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<sup>3</sup> Olympic=s asserted penny or two per gallon cost savings is premised on Olympic

1 be passed on to consumers. Indeed, the evidence will demonstrate clearly that retail prices are  
2 set by other market forces independent of any minuscule changes in transportation costs.

3 The oil companies= saving a penny or two per gallon may not seem like a very good  
4 reason to build a cross-state pipeline with its attendant risks -- and it is not a good reason from  
5 the public=s perspective. But given the vast quantities of product moving through the pipeline  
6 (192,500 gallons per hour at initial capacity), it does not take long for massive profits to accrue  
7 to its owners.  
8

9 Moreover, the pipeline provides other profit-making opportunities for its owners. The  
10 pipeline is sized far larger than necessary to accommodate existing (or even reasonably likely  
11 increases in) eastern Washington fuel demands. The evidence will demonstrate that the  
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15 building and operating the project based on the limited safety technologies and specifications  
16 included in Olympic=s pending application. The evidence will demonstrate that Olympic has  
17 proposed a A low cost, high risk@ version of a pipeline. This approach increases the project=s  
18 adverse environmental impacts. It is unlikely that Olympic would be able to project any cost  
19 savings (for its own pocket or anyone else=s) if it designed and operated the pipeline at a  
20 safety level commensurate with that provided by other transportation modes.  
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1 pipeline likely will give the Northwest refineries access to new markets in eastern Oregon,  
2 Idaho, and beyond.<sup>4</sup>

3 *In sum, there is no petroleum shortage in central and eastern Washington. This*  
4 *proposal does not respond to a public need for another fuel transportation delivery system*  
5 *to central and eastern Washington. Its only purpose is to allow its proponents to increase*  
6 *market share and profits.*

#### 8 **IV. Environmental Impacts of the Pipeline Proposal**

9 The Cross Cascade Pipeline is proposed to traverse the State of Washington from  
10 south Snohomish County, through the Mt. Baker/Snoqualmie and Wenatchee National Forests  
11 at Snoqualmie Pass, across Twin Falls State Park, the John Wayne Trail, Ginkgo State Park,  
12 across hundreds of individuals' property, through State and Federal Fish and Wildlife lands,  
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15 <sup>4</sup> Because the project would allow the northwest refiners to increase their market shares  
16 and to enter new markets, the pipeline likely will lead to expansions of the northwest refineries  
17 (they are currently operating at capacity) and, rather ominously, an increase in crude oil  
18 imports through the Straits of Juan de Fuca and Puget Sound to supply that increased capacity.  
19 The probable adverse environmental consequences of increased crude oil shipments in  
20 Washington State waters was totally ignored by Olympic's risk assessment Aexperts.®  
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1 State Forest lands, across at least 300 streams and waterways, through approximately 78  
2 wetlands, and through agricultural lands in Kittitas, Grant, Adams, and Franklin counties, to  
3 Pasco, Washington.

4 The pipeline will create a new 231 mile long hazardous line through these otherwise  
5 untouched areas. Currently, Olympic already has a 30+-year old petroleum pipeline roughly  
6 following the I-5 corridor north/south. Small leaks are likely occurring unnoticed on this old  
7 pipeline -- underground contamination could be anywhere or everywhere. Rather than  
8 cleaning, upgrading, and expanding this existing hazardous site, Olympic is asking the State  
9 to allow it to create a new hazardous liquid line in relatively untouched, environmentally  
10 sensitive areas.  
11

12 Pipelines leak and the product is toxic. Spills along the route are inevitable.  
13 Olympic=s existing pipeline running from Ferndale to Anacortes refineries to Portland spills  
14 product on average more than once a year. Over 50 years, the new pipeline is expected to spill  
15 over a million gallons of petroleum products.  
16

17 Major ruptures will cause immediate catastrophic damage. Slow leaks can be equally  
18 damaging, especially to aquifers. Olympic admits its leak detection system cannot reliably  
19 detect leaks on its proposed pipeline less than 1,925 gallons per hour. (In reality, the system  
20 may not be even able to achieve that level of performance.) It does not take long for a  
21 Aslow@ leak to cause a lot of damage. At 1,925 gallons per hour, an undetected leak would  
22 spill 323,400 gallons in a week; 1,293,600 gallons in a month; and 15,523,200 gallons in a  
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1 year.

2 Olympic knows well the potential of these slow leaks to create big problems for  
3 aquifers. Its existing pipeline developed a leak (apparently far below the detection threshold)  
4 in 1986 that went undetected for a year. Over 320,000 gallons are estimated to have escaped,  
5 contaminating the aquifer from which Renton gets its drinking water. Luckily for Olympic  
6 and residents of Renton, the contamination in the aquifer is downgradient of Renton=s  
7 municipal wells.  
8

9 The proposed pipeline will introduce a new potential for spills of toxic materials into  
10 Washington=s pristine wilderness, including remote wildlife habitat and mountain streams and  
11 wetlands. Some of the more sensitive habitat areas for fish and wildlife in Washington State,  
12 including habitat for endangered or threatened species, will suffer detrimental impacts  
13 considering that petroleum spills are inevitable along the route. Trout Unlimited, a member  
14 of Cascade, has members who fish in many of the streams being crossed. Their fishing days  
15 may be numbered as construction of the pipeline will suffocate fish eggs through  
16 sedimentation, injure fish through pumping or handling, or cause bleeding through the gills  
17 due to abrasion from suspended sediment.  
18

19 Pipeline ruptures will cause major fish kills, including decimation of fish eggs and fry,  
20 in the immediate area of the stream crossing as well as downstream. Fish not immediately  
21 killed by the spill may die later from sub-lethal physiological effects. Slow leaks from a  
22 pipeline into a stream can cause similar damage and are highly likely considering that many  
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1 of the streams are remote, often covered in snow, and rarely visited by any people who would  
2 spot the gasoline or diesel fuel.

3 Hundreds of private landowners will be adversely impacted by the pipeline.  
4 Landowners and municipalities may have personal liability for clean-up of spills. Many  
5 landowners along the route who depend on groundwater for their water could find their water  
6 contaminated -- rendering their water supply unusable.  
7

8 While all of the landowners share similar general concerns about spills, each individual  
9 owner has impacts that are unique and significant. Cascade Columbia Alliance member  
10 Warren Bunger, for example, has maintained a small fruit orchard and raises raspberries which  
11 could be damaged if the groundwater were to be contaminated on his property. The pipeline  
12 puts at risk Cascade Columbia Alliance member Doug Gibbs= family business and farm that  
13 has been growing hay, sweet corn, and beans since 1947. The Gibbs= fields are irrigated with  
14 Yakima River water using open irrigation through shallow ditches along the fields which often  
15 hold standing water. If the ground were to become contaminated, the oil would quickly be  
16 spread through the land, destroying not only that crop but the lands= ability to produce for  
17 years. Spill in the Yakima River, the source of the entire valley=s irrigation water, would also  
18 directly impact the Gibbs= farming as well as many others in the valley.  
19

20 The Gibbs= farm is in the immediate vicinity of the site proposed for the Kittitas  
21 Terminal immediately adjacent to the Town of Kittitas. The proposed Terminal is an  
22 enormous industrial facility consisting of ten tanks which would store hazardous petroleum  
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1 products. The facility will introduce hundreds of trucks to roads which are currently used by  
2 tractors and farm trucks. The Terminal also threatens massive explosions and fire in the small  
3 town farming community.

4 The environmental aesthetics of Cascade Columbia Alliance member Bill Brown=s  
5 property was an important reason that he purchased his land. For him, most important is his  
6 view of trees, water, and wildlife. If the pipeline is constructed as planned, trees will be  
7 removed and he would lose the privacy and natural environment that he treasures.

9 These three landowners members of Cascade represent just a few of the many  
10 individuals impacted -- each in a unique way -- by the pipeline.

11 Over 41 miles of the proposed pipeline route is in Franklin County. In Franklin  
12 County, the proposed route crosses lands zoned Heavy Industrial, Rural Settlement, and  
13 Agricultural Production. In the latter two zones, the proposed pipeline is a prohibited use  
14 (without the benefit of a conditional use permit). Most of the proposed pipeline route in  
15 Franklin County is across lands designated Agricultural, where transmission lines are  
16 prohibited unless authorized by a Special Permit. The pipeline route crosses unique farmland  
17 soils, prime farmland soils, and farmlands of state and local importance. The entire pipeline  
18 route through Franklin County passes across irrigated croplands. Traversing these farmlands  
19 with a single-walled, oil products pipeline which is prone to leakage is inconsistent with  
20 Franklin County=s objective of protecting agricultural operations from incompatible uses.

21 The irrigated parts of Franklin County are irrigated as one of the four primary areas of  
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1 aquifer recharge. Virtually the entire pipeline route crosses this primary recharge area.

2 Another of the four primary areas of aquifer recharge is the Scootenay-Eagle Lakes area which  
3 the pipeline also crosses. Much of the pipeline route crosses areas where depths to  
4 groundwater is less than 20 feet. The County is classified into areas with high, moderate, and  
5 low groundwater vulnerability. Virtually all of the pipeline route traverses lands classified  
6 with the high groundwater vulnerability.  
7

8 The pipeline route also crosses a number of areas significant for wildlife habitat within  
9 Franklin County. Some of these may include habitats of local importance and/or habitats  
10 designated by state agencies as being particularly significant. The Comprehensive Plan  
11 identifies Esquatzel Coulee and Eagle Lakes as areas that are potential critical fish and wildlife  
12 habitat areas.  
13

14 The project also would tend to aggravate geological hazards within Franklin County.  
15 Between the Saddle Mountains and Pasco, the proposed route will traverse and follow slopes  
16 cut into the Ringold formation, slopes that are subject to mass movement. The slides in this  
17 area continue to be active and trenching for the pipeline along these already weakened slopes  
18 is a probable trigger of landsliding.  
19

20 The proposed pipeline is proposed to cross through the cities of Snoqualmie and North  
21 Bend. In North Bend, the proposed routing is less than one-quarter mile from the City's new  
22 water source and, consequently, represents a potential threat to the residents' water supply.  
23

24 In Snoqualmie, the proposed pipeline project will pass through designated floodways and  
25

1 floodplains, shorelands and wetlands, which are regulated and protected by the City ordinance.

2 Like in North Bend, the pipeline will pass close to a site in unincorporated King County  
3 identified as a major future water source for Snoqualmie, known as the North Wellfield.

4 Unlike barge transportation, the petroleum pipeline threatens the risk to human health  
5 by contamination of drinking water. With the pipeline, an entire community, like North Bend  
6 or Snoqualmie may find its drinking water source completely contaminated by hazardous  
7 petroleum. A leak could spill oil for months or years before anyone even knows that the water  
8 is toxic. To make matters worse, it is often practically impossible to clean underground  
9 drinking water once it is contaminated.  
10

11 Many of the proposal=s risks could be reduced if Olympic were to use state-of-the-art  
12 construction methods, leak avoidance measures, leak detection systems, and other design and  
13 technology systems. But, as the evidence will show, Olympic has not done that. Drilling  
14 under more streams would reduce erosion impacts. Double-walled pipe would greatly reduce  
15 spills and increase leak detection capabilities. Various tests of the pipe=s structural integrity  
16 could be utilized (or used more often than Olympic proposes). The evidence will show that  
17 these and other improvements could be employed by Olympic to reduce the proposal=s  
18 adverse impacts and risks. As proposed by Olympic, though, the project=s impacts and risks  
19 are vast and far outweigh the negligible (if any) need for the project.  
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## 22 **V. The Proposal Poses Far Greater Risks Than the Existing System**

23 As highlighted in the prior section, the environmental and public safety hazards that  
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1 would be spawned by the proposal far outweighs the evidence of any slight public need for the  
2 project. In this section, we will summarize the forthcoming evidence that will demonstrate  
3 that the proposal=s risks also far outweigh the risks associated with alternatives, including the  
4 alternative of continuing to use the existing system.

5 There are at least three categories of risks that can be compared between the competing  
6 transportation modes: construction impacts; operational impacts (primarily spills); and indirect  
7 impacts (primarily crude oil spill risks as crude oil imports rise to feed the enlarged pipeline  
8 infrastructure).

9  
10 1. **Construction Risks.** The environmental harm and risk associated with  
11 construction activities are unique to the proposal. The existing transportation system is already  
12 in place. No construction impacts are involved with maintaining the status quo. The scales  
13 tip totally in favor of the existing system on this factor.

14  
15 Much of the risk assessment testimony you will hear focuses on the second category  
16 of risk (risks that arise during operation of the pipeline, notably oil spills). But while much  
17 of the testimony focuses on that one piece of the equation, the Council should never lose sight  
18 that continuing use of the existing system avoids an entire set of construction impacts  
19 associated only with the proposal.

20  
21 2. **Spill Risk.** The spill risk assessment evidence will demonstrate that a  
22 transportation system built around a Cross Cascade Pipeline will spill vastly greater quantities  
23 of petroleum products than continuing with the status quo during a projected 50 year time  
24

1 frame. Our calculation of spill risks was performed by John Mastandrea, the man who literally  
2 wrote the EPA book on calculating pipeline spill risks. He concludes that the project would  
3 result in a fivefold increase in the volume of spilled product compared to the existing system.  
4 Counsel for the Environment=s risk assessment expert reached similar results.<sup>5</sup>

5  
6 Not surprisingly, once it was determined that a system built around a new pipeline  
7 would spill far greater volumes of petroleum products than the existing system, natural  
8 resource scientists analyzing the issue concluded that the project would pose far greater risks  
9 to environmental resources than the existing system.

10  
11 Olympic frequently argues that petroleum spills on land are preferable to petroleum  
12 spills on the water. You will hear evidence that this type of argument is misleading in two  
13 important respects. One, the pipeline will be underground not on top of the land. Leaks and  
14 spills from the pipeline will seep into the earth and contaminate aquifers. Cleaning up aquifers  
15 is not easy by anyone=s standards. In fact, frequently there is no practicable way to clean up  
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17  
18 <sup>5</sup> We believe the Council should give great weight to the testimony of Counsel for the  
19 Environment=s witnesses. Counsel for the Environment did not come into this process with  
20 any particular point of view (pro or con) on the proposal, other than to do what is best for the  
21 environment. During most of the three years of preliminary proceedings leading up to the  
22 adjudication, Counsel for the Environment remained neutral, waiting for their experts to  
23 evaluate the issues and provide objective, unbiased conclusions. On most (though not all)  
24 points, Counsel for the Environment=s experts reached conclusions similar or identical to  
25 those reached by our experts, thus adding great weight to the probative value of this testimony.

1 an aquifer once it is contaminated. Olympic=s claim that spills from the pipeline are easier  
2 to clean up than spills on water (e.g., from barges) will be proved wrong.

3 Two, Olympic seeks to take advantage of the public=s general alarm over crude oil  
4 spills on our State=s waters. Our clients share these concerns but hasten to remind the Council  
5 that Olympic is arguing that it will displace the transportation of refined products (e.g.,  
6 gasoline) from barges traveling along the Washington coast, not crude oil. You will hear  
7 evidence that the hazards and problems we associate with cleaning up crude oil spills on the  
8 water are not at all representative of the spill of gasoline. Gasoline does not create the gooey  
9 mess that we associate with crude oil spills. In fact, much of the gasoline spilled on the ocean  
10 would evaporate long before reaching sensitive resources (quite unlike the dynamics of a  
11 pipeline gasoline spill into an aquifer).

12 3. **Indirect Impacts (Increased Crude Oil Imports).** The third element of a  
13 comparative risk assessment takes into account the increases in crude oil imports that will be  
14 the probable result of building the Cross Cascade Pipeline. In simplest terms, it is extremely  
15 unlikely that the oil industry would invest this amount of time and money enhancing the  
16 petroleum transportation infrastructure in this State unless it was also contemplating making  
17 use of that additional infrastructure by importing and refining more crude oil to place into the  
18 enlarged transportation infrastructure. You will hear that Olympic=s risk assessment  
19 Aexpert@ totally ignores the crude oil spill risks associated with constructing the new  
20 pipeline. And in this regard, the shoe is on the other foot. Now the focus is on crude oil spills  
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1 on marine waters. This State has a long history of working hard to *decrease* the risk of crude  
2 oil spills on Washington State waters. It is not in the public interest of the citizens of this State  
3 to approve this project which will *increase* crude oil spill risks.

4 In sum, only the proposal will cause construction impact risks. Only the proposal  
5 would increase crude oil spill risks. And as to the risks associated with the actual shipment  
6 of the refined petroleum products, the proposal would sharply increase those risks as compared  
7 to the existing system.  
8

#### 9 **VI. EFSEC=s Recommendation to the Governor**

10 Perhaps the decision of whether to recommend approval of Site Certification for the  
11 Cross Cascade Pipeline would be difficult if central and eastern Washington needed the  
12 pipeline. But the evidence shows that those areas do not need a new source of petroleum.  
13 There is no justification for Washington citizens to suffer the considerable environmental  
14 impacts and risks posed by the Cross Cascade Pipeline when it is not even needed.  
15

16 EFSEC is required to balance the public need for increased energy facilities against the  
17 adverse effects of a facility on the environment.  
18

19 The evidence is conclusive: there is no public need and there is overwhelming  
20 evidence of considerable adverse environmental effects. The scales in the balance tip heavily  
21 in favor of denial.  
22

23 Dated this \_\_\_\_\_ day of April, 1999.

24 Respectfully submitted,

25 **BRICKLIN & GENDLER, LLP**

26  
27 **OPENING STATEMENT OF CITIES OF NORTH**  
28 **BEND AND SNOQUALMIE, FRANKLIN COUNTY,**  
29 **AND CASCADE COLUMBIA ALLIANCE - 20**

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